

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Temporary Construction Access
Proposed Implementation Date:	October 2022
Proponent:	Wayne Thunberg
Location:	SE¼SE¼ of Section 16, Township 4 South, Range 22 East (Common Schools Trust)
County:	Carbon County

I. TYPE AND PURPOSE OF ACTION

The proponent, Wayne Thunberg, is applying for a Land Use License to utilize a ±0.75-acre area of State Trust Land. Mr. Thunberg has been in trespass by using this portion of land for temporary construction access a portion of his private lands south of State Section 16, as shown in 'Exhibit A' without State authorization. Due to the topographical limitations of his private lands, the only way to access the construction site on his lands is to cross the state section.

The proponent utilized this portion of state land without proper authorization and is now seeking proper permission and permits in order to continue utilizing this portion. The illegal use of the Trust land was discovered during the grazing lease evaluation process.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

No formal public scoping was performed by DNRC for this proposed project. The state grazing lessee, Rock Creek Ranch, was contacted by the proponent and has signed a Settlement of Damages form.

The proposed project area was inspected 2 September 2022 and again on 23 September 2022 by Joe Holzwarth, Southern Land Office Area Planner.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

None

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Approve the issuance of a Land Use License to utilize a ±0.75-acre area of state land for temporary construction access to private land immediately south of state lands and remediate the previously disturbed area in Section 16-T4S-R22E in Carbon County.

No Action Alternative: Deny the issuance of a Land Use License to utilize a ±0.75-acre area of state land for temporary construction access to private land immediately south of state lands and remediate previous disturbed area in Section 16-T4S-R22E in Carbon County. The proponent would still need to compensate the State or rehabilitate the State land for prior use without authorization if the Land Use License were denied.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The proponent is requesting to utilize a ± 0.75 -acre area on State Land. The land is categorically labelled as Big Sagebrush Steppe. Soils are typically deep and non-saline, often with a microphytic crust. This shrub-steppe is dominated by perennial grasses and forbs with greater than 25% cover. The NRCS Soil Survey shows the proposed license area consists of mainly gravelly sandy loam and rentsac-rock outcrop complex (See Exhibit 'B').

The proponent has already used this area without proper authorization to cross the area and store materials on state land, causing some compaction. Additionally, the proponent cut into hillside and graded a portion of the state land down in order to get equipment and material to his private lands. The proponent will be required to complete remediation in this area and rehab and re-seed the area with a native species blend in order to return the land back to its former status and use. The license will be for temporary access to private lands and will not allow storage of equipment and material. No significant impacts to geology and soil quality, stability and moisture are expected by implementing the proposed action.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

The proposed license will be to utilize ± 0.75 -acre area on State Land. No water system will be disturbed or traversed. There may be minor impacts to drainage due to a disturbed hillside. The proponent will be required to install erosion mitigation systems to prevent further erosion on the steeper portions. No significant adverse impacts to water quality, quantity or distribution are anticipated by implementing the proposed action.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

There may be short-term isolated impacts from the equipment exhaust that is used while crossing State Land and construction on the land immediately to the south of the State Land. No significant adverse impacts to air quality are expected by implementing the proposed action.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

The proponent will be traversing State Land in order to reach a portion of private property that is topographically difficult to reach without traversing the State Land. The land is categorically labelled as Big Sagebrush Steppe. This shrub-steppe is dominated by perennial grasses and forbs with greater than 25% cover. Overall shrub cover is less than 10 percent, with more biomass of grasses, typically in the form of wheatgrass. The natural fire regime of this ecological system maintains a patchy distribution of shrubs, preserving the steppe character. Shrubs may increase following heavy grazing and/or with fire suppression.

The proponent has already used this area without proper authorization to cross the area and store equipment and materials on state land. Furthermore, the proponent removed shrubs in order to grade down an area to

reach his lands. The proponent will be required to rehab this area and re-seed it with a native species blend in order to return the land back to its former status and use and will not remove any further vegetation. In addition, the proponent will be required to monitor and spray any noxious weeds in the licensed area.

No significant long-term adverse impacts to vegetative cover, quantity or quality are expected as a result of implementing the proposed alternative.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

A variety of big game, small mammals, raptors, songbirds and turkeys may traverse the subject sections. The proposed alternative will allow the proponent temporary construction access across the State Land in order to reach a portion of private property that is topographically difficult to reach without traversing the State Land. No other activity that will impact habitation is permitted under this license. No significant adverse impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search of the Montana Natural Heritage Program database indicated the following species of concern have been observed in the proposed section:

- **Bald Eagle** (*Haliaeetus leucocephalus*), **Golden Eagle** (*Aquila chrysaetos*)
- **Western Milksnake, Snapping Turtle** (*Chelydra serpentina*)
- **Grizzly Bear** (*Ursus arctos*)

Bat Roosts (Non-cave) have been discovered in the area. There are also potential species of concern that have the possibility of having habitats or being observed in the surrounding area.

While these species may be present in the general project area, no direct or lasting impacts are expected to occur to sensitive species. Due to the short duration and minimal disturbance, the project will have minimal impact to the environment and habitat on State Land.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

No cultural and paleontological surveys have been previously completed by the DNRC.

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search revealed that no cultural or paleontological resources have been identified in the state land portion of the APE. Because the APE on state land is inundated, no project related disturbance is expected. No additional archaeological investigative work will be conducted for the state land portion of the APE. However, if previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made.

The proposed project will have *No Effect to Antiquities* as defined under the Montana State Antiquities Act. Formal reports of findings are available through the DNRC and the Montana State Historic Preservation Officer.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

The proposed alternative will allow the proponent to traverse the State Land in order to reach a portion of private property that is topographically difficult to reach. No disturbance will occur outside the previously disturbed ±0.75-acre area. There is some minor compaction from previously stored material and removed vegetation. The proponent will be required to rehab this area and re-seed it with a native species blend in order to return the land back to its former status and use and will not remove any further vegetation. No significant adverse impact to aesthetics is expected as a result of implementing the proposed alternative.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No significant adverse impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

There are no other known studies or future actions planned for this Trust land parcel.

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i>

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

No significant adverse impacts to human health and safety would occur as a result of implementing the proposed alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

No significant adverse impacts to industrial, commercial and agricultural activities and production would occur as a result of implementing the proposed alternative.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The proposed action will have no significant impact on the quantity and distribution of employment.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

The proposed action will have no adverse impact on tax revenue.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

The implementation of the proposed alternative will not generate any additional demands on governmental services. By executing the proposed alternative, it will allow government services a secure access across a county road for emergency reasons.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Implementation of the proposed alternative will not conflict with any locally adopted plans.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

The subject parcel already has established public access via Monahan Road along the northeast quarter boundary line. The proposed action will have no effect on the access to and quality of recreational use.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

No significant adverse impacts to density and distribution of population and housing would occur as a result of implementing the proposed alternative.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposed alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

The proposed alternative will not have a significant adverse impact on cultural uniqueness or diversity.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The Common Schools Trust Permanent Fund will benefit by receiving a one-time payment of \$2,700.00 for the previous unauthorized use and to authorize the proponent to cross state land to access his private lands for this construction project only. The license will expire in September of 2023. Any further use will need proper authorization, with compensation at that time.

EA Checklist Prepared By:	Name: Joe Holzwarth	Date: 20 October 2022
	Title: Area Planner, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

The proposed alternative has been selected and it is recommended the License be issued to authorize the proponent to utilize a portion of State Land in order to provide temporary construction access to private lands that are topographically difficult to reach. The proponent has previously utilized a ± 0.75 -acre area for access and storing of equipment and material. This area has seen substantial unauthorized disturbance due to the unauthorized activity. This license will grant the proponent the ability to access his private lands for temporary construction access and does not authorize the storage of equipment or material on state land.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant adverse impacts to the Trust lands listed above are not significant enough to warrant further environmental review due to the nature of the proposed action. However, the unauthorized grading, storage of equipment and materials is not minor and will require the Proponent to rehabilitate the disturbed area and monitor for noxious weeds. There are no natural features that could produce adverse impacts or species of concern occupying the parcels that are expected to be impacted by implementing the proposed action. The land will be rehabilitated and re-seeded as part of the Land Use License, as well as monitored for noxious weeds. Furthermore, the proponent will remove his private access gate unto the state land and will fence the southern boundary to prevent further unauthorized use.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS
 ☐ More Detailed EA
 ☒ No Further Analysis

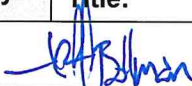
EA Checklist Approved By:	Name: Jeff Bollman, AICP
	Title: Southern Land Office Area Manager
Signature: 	Date: 31 October 2022

Exhibit A – Impacted Area



Exhibit A – NRCS Soil Survey (Updated Aerial)

